



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.01.2017

CORAM:

THE HONOURABLE MR.JUSTICE **A.SELVAM**
and
THE HONOURABLE MR.JUSTICE **P.KALAIYARASAN**

W.P(MD)No.363 of 2014
and
M.P(MD)No.1 of 2014

C.Anantha Raj

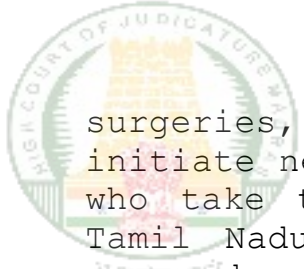
.. Petitioner

Vs.

- 1.State of Tamil Nadu rep. by its
Principal Secretary,
Health and Family Welfare Department/
The Chairman, Advisory Committee,
Cadaver Organ Transplant Program,
Government of Tamil Nadu,
Secretariat, Chennai - 600 009.
- 2.The Convener/Transplant Co-ordinator,
Cadaver Organ Transplant Program,
Government General Hospital,
Chennai - 600 009.
- 3.The Director of Medical Education,
Office of the Director of Medical Education,
Kelpakkam, Chennai.
- 4.The Union of India represented by
Principal Secretary,
Health Department, New Delhi.
- 5.The Dean,
Madurai Government Rajaji Hospital,
Madurai District.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondent Nos.1 to 4 to approve and notify all Government Medical College Hospitals, District Head Quarters Hospitals in the State of Tamil Nadu for conduct cadaver transplantation surgeries and to provide adequate infrastructure to the said hospitals to conduct cadaver organ transplantation



surgeries, consequently direct the respondent Nos.1 to 4 to initiate necessary action to prepare organ required patients list, who take treatment in all Government hospitals in the State of Tamil Nadu and included the said list in central registry for organ donation program and direct the respondent Nos.1 to 4 to widely create awareness and sensitize among the general public and medical officials working in all Government Hospitals about the registration procedures regarding cadaver organ transplantation program in the State of Tamil Nadu and to direct the respondent Nos.1 to 4 to transparently publish the information about the registered patients details in online and other easily approachable mode, along with hospitals name, cost of surgery for each organ and other particulars relating to cadaver organ transplantation program in the State of Tamil Nadu within the time stipulated by this Court.

For Petitioner : Mr.R.Alagumani

For Respondents : Mr.B.Pugalendhi,
1 to 3 and 5 Additional Advocate General
assisted by Mr.D.Muruganandam,
Additional Government Pleader.

For Respondent No.4 : Mr.P.Paul Pandi,
Senior Panel Counsel for
Central Government.

ORDER

[Order of the Court was made by **A.SELVAM, J.**]

This writ petition has been filed under Article 226 of the Constitution of India praying to direct the respondents 1 to 4 to approve and notify all Government Medical College Hospitals and District Head Quarters Hospitals in the State of Tamil Nadu for conducting cadaver transplantation surgeries and to provide adequate infrastructure to the said hospitals to conduct cadaver organ transplantation surgeries and direct the respondents 1 to 4 to initiate necessary action to prepare organ required patients list, who take treatment in all Government Hospitals in the State of Tamil Nadu and include the said list in Central Registry for Organ Donation Program and direct the respondents 1 to 4 to widely create awareness and sensitize among the general public and medical officials working in all Government Hospitals about the registration procedures regarding cadaver organ transplantation program in the State of Tamil Nadu and to direct the respondents 1 to 4 to transparently publish the information about the registered patients details in online and other easily approachable mode, along with hospitals name, cost of surgery for each organ and other particulars relating to cadaver organ transplantation program in the State of Tamil Nadu, by way of issuing a writ of



mandamus.

2.The learned counsel appearing for the petitioner has sparingly contended to the effect that the facilities mentioned in the petition are now only available in Rajiv Gandhi Government General Hospital and Government Stanley Hospital, Chennai and such facilities are not available even in Government Medical College Hospitals, District Headquarters and also District Headquarters Hospitals in the State of Tamil Nadu and under the said circumstances, the present writ petition has been filed for getting the relief sought therein.

3.The learned Additional Advocate General appearing for the respondents 1 to 3 and 5 has contended to the effect that the State Government had already taken effective steps so as to provide such kind of facilities in some hospitals after getting necessary license from appropriate authority under Human Organ Transplantation Act, 1994.

4.As mentioned supra, this writ petition has been filed praying to provide the facilities mentioned therein to all Government Medical College Hospitals and also Hospitals which are in District Headquarters.

5.The main relief sought in the writ petition is to provide Cadaver Organ Transplantation to needed persons.

6.Considering the nature of the relief sought in the writ petition and also considering the fact that the State Government has already taken appropriate steps to provide such kind of facilities in such hospitals, this Court is of the view that the same facilities should be extended to all Government Medical College Headquarters Hospitals and District Headquarters Hospitals and therefore this Court is inclined to pass the following order.

7.In fine, this writ petition is allowed without costs and the respondents 1 to 4 are directed to provide the facilities mentioned in the petition in all Government Medical College Hospitals, District Headquarters and also in all District Headquarters Hospitals in a phased manner within a period of one year in Government Medical College Hospitals, District Headquarters and three years in District Headquarters Hospitals. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar



1.The Principal Secretary to Government of Tamil Nadu,
Health and Family Welfare Department/
The Chairman, Advisory Committee,
Cadaver Organ Transplant Program,
Government of Tamil Nadu,
Secretariat, Chennai - 600 009.

2.The Convener/Transplant Co-ordinator,
Cadaver Organ Transplant Program,
Government General Hospital,
Chennai - 600 009.

3.The Director of Medical Education,
Office of the Director of Medical Education,
Kelpakkam, Chennai.

4.The Principal Secretary,
Health Department,
Government of India,
New Delhi.

5.The Dean,
Madurai Government Rajaji Hospital,
Madurai District.

+1cc to Mr.P.Paul Pandi Advocate Sr.No.3316
+1cc to Spl.Government Pleader Sr.No. 3535

JAM/27.01.2017/EM/SAR 3/4p-8c

ORDER MADE IN
W.P (MD) No.363 of 2014
and
M.P (MD) No.1 of 2014
20.01.2017